

Office of B. F. KAPP
Civil Engineer & Land Surveyor Fort Wayne

Registered in Indiana
No. 3761
No. 10074

This document is the record of a resurvey of land and real estate situated in the City of Fort Wayne, Allen County, Indiana, made in accordance with the plat and deed record thereof on file in the Office of Recorder of said County and State. The land below described exists in full dimensions as herein noted in feet, and is free from encroachments by adjoining landowners, and furthermore, contains entirely within its boundaries the structures of the buildings on it situated; all as below indicated in detail. Any exceptions or discrepancies are below noted.

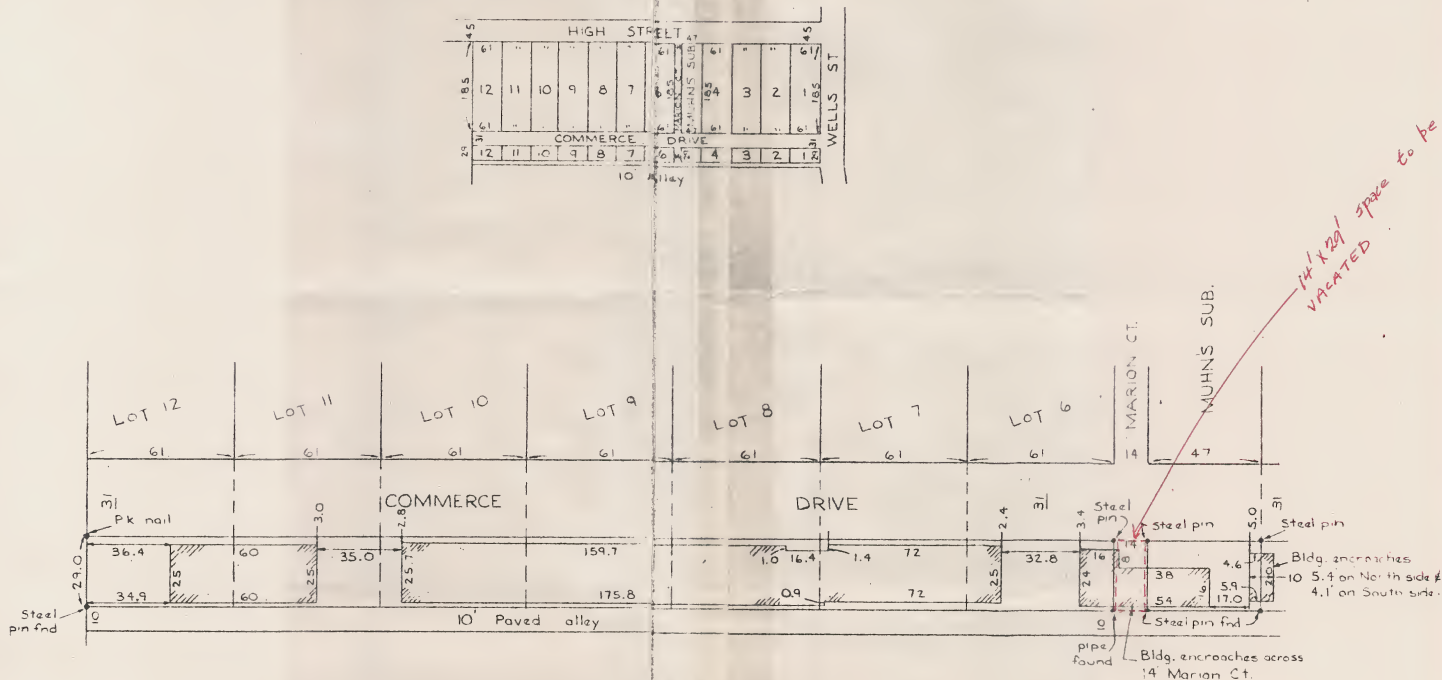
DESCRIPTION OF PROPERTY

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DESCRIPTION OF PROPERTY
The South 29.0 feet of Lots 6, 7, 8, 9, 10, 11, and 12 in the Cullloch's Subdivision to the City of Fort Wayne, Indiana, and the South 29.0 feet of Lot 4 in Munn's Subdivision to the City of Fort Wayne, Indiana.



The above described property is within the Flood Prone Area according to the Department of Housing and Urban Development.

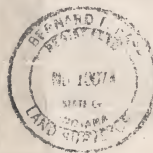


EXHIBIT A

For _____

IN WITNESS WHEREOF, I place my hand and

seal this _____ day of _____, 19____

For _____

IN WITNESS WHEREOF, I place my hand and

seal this _____ day of _____, 19____

4/14/1
1 BILL NO. G-78-08-121

2 GENERAL ORDINANCE NO. G-31-78

3 AN ORDINANCE amending General Ordinance
4 No. G-97 by authorizing the vacation of
5 a certain street.

6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
7 INDIANA:

8 SECTION 1. Petition for the vacation of a certain street having
9 been filed with the Fort Wayne City Plan Commission in accordance with
10 Section 44, Chapter 174, of the Acts of the General Assembly of the State
11 of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of
12 the General Assembly of the State of Indiana (I.C. 18-7-5-46), the
13 Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by
14 the Common Council of the City of Fort Wayne on November 26, 1963, is
15 amended by deleting the following street, to wit:

16 "The South 29 feet of a 14 foot right-of-way known
17 as Marion Court, running from Commerce Drive South
18 to the first East/West alley South of Commerce Drive."

19 SECTION 2. After passage of this Ordinance, approval by the
20 Mayor and legal publication, a duly certified copy of this Ordinance, of
21 the recommendation of the Fort Wayne City Plan Commission, and of the
22 action of the Mayor, shall be transmitted by the City Clerk to the Board
23 of Public Works of the City of Fort Wayne, Indiana.

24 SECTION 3. That this Ordinance shall be in full force and effect
25 from and after its passage, approval by the Mayor and legal publication
26 thereof.

27 
28 Councilman

29
30
31
32 APPROVED AS TO FORM
AND LEGALITY, _____


CITY ATTORNEY

Read the first time in full and on motion by V. Schmidt, seconded by Hunter, and duly adopted, read the second time by title and referred-to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 8-8-78

Charles W. Westernman
CITY CLERK

Read the third time in full and on motion by V. Schmidt, seconded by Stier, and duly adopted, placed on its passage.

PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>7</u>	<u>0</u>	_____	<u>2</u>	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>HINGA</u>	_____	_____	_____	<u>✓</u>	_____
<u>HUNTER</u>	_____	_____	_____	<u>✓</u>	_____
<u>MOSES</u>	<u>✓</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 11-14-78

Charles W. Westernman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. 2-31-78 on the 14th day of November, 1978.

ATTEST: (SEAL)

Charles W. Westernman
CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of November, 1978, at the hour of 11:30 o'clock 4 M., E.S.T.

Charles W. Westernman
CITY CLERK

Approved and signed by me this 16th day of November, 1978, at the hour of 4:30 o'clock PM, E.S.T.

Robert Elumstrong
MAYOR

Bill No. G-78-08-12

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending General Ordinance No. G-97 by authorizing the vacation of
a certain street

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

VIVIAN G. SCHMIDT - CHAIRMAN

JOHN NUCKOLS - VICE CHAIRMAN

WILLIAM T. HINGA

DONALD J. SCHMIDT

JAMES S. STIER

Vivian G. Schmidt
John Nuckols

DJ Schmidt
James S. Stier

DATE 11-14-78 CONCURRED IN
CHARLES W. WELSH, CITY CLERK

RECEIPT

Date

22 June 1978

No.

10181

Received From

Hoffman Property & Insurance

Address

312 Oakley Paige Park

For

Insurance - Thomas Wiseman

Dollars \$50.

ACCOUNT

HOW PAID

AMT. OF
ACCOUNT

CASH

AMT. PAID

☒ CHECK

BALANCE
DUE

MONEY
ORDER

By

JHB.

66-220-14 10/30/78

R E S O L U T I O N NO. 66-220-14

WHEREAS, THOMAS AND LOIS WEEDMAN, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public street situated in Fort Wayne, Allen County, to-wit:

The South 29 feet of a 14 foot right-of-way known as Marion Court, running from Commerce Drive South to the first East/West alley South of Commerce Drive

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 in Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-46; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Water Engineering, Electrical Engineering, Park Board and thorough the public utility companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public street hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public street, hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said public street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent of said vacation.

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

I, Henry P. Wehrenberg, Chairman of the Board of Public Works, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works following a Board of Works Meeting on October 30, 1978 and as same appears of record in the official records of said Board of Public Works.

DATED THIS 30 DAY OF October 1978

FORT WAYNE BOARD OF PUBLIC WORKS

Henry P. Wehrenberg
Henry P. Wehrenberg, Chairman

Ethel H. LaMar
Ethel H. LaMar, Member

Max G. Scott
Max G. Scott, Member

R E S O L U T I O N

WHEREAS, THOMAS H. WEEDMAN and LOIS H. WEEDMAN have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public street in Fort Wayne, Allen County, to-wit:

The South 29 feet of a 14 foot right-of-way known as
Marion Court, running from Commerce Drive South to the
first East/West alley South of Commerce Drive

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 18-7-5-46.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on September 18, 1978, at 7:30 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public street.

WHEREAS, said vacation of the alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said streethereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public street hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of streets in Allen County, Indiana.

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

I, Luben Lazoff, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held September 25, 1978, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 6th DAY OF October, 1978

FORT WAYNE CITY PLAN COMMISSION



Luben Lazoff
Secretary

TO: FORT WAYNE CITY PLAN COMMISSION

PETITION TO VACATE MARION COURT BETWEEN
COMMERCE DRIVE AND FIRST ALLEY SOUTH THEREOF.

Come now all of the owners of the real estate adjoining Marion Court between Commerce Drive and the first alley South thereof and petition for the vacation of said street and allege and say:

1. That in the plat of Muhn's Subdivision to the City of Fort Wayne recorded August 27, 1925, in Plat Record 11, page 78, in the office of the Allen County Recorder, a 14 foot right of way (now known as Marion Court) was dedicated along the West side of the four lots in said Addition.

2. That the South 29 feet of said 14 foot right of way running from Commerce Drive to the first alley South thereof has never been used and developed as a public right of way and has never been cut through or confirmed as such.

3. That none of the properties adjoining said part of said 14 foot right of way need said right of way for ingress and egress; that said part of said right of way does not serve as ingress or egress for the public or for any other property owners in the Subdivision, and the use of said part of said right of way does not affect the thoroughfare plan of the City of Fort Wayne.

4. That the undersigned are the owners of the South 29 feet of Lot 6 in McCulloch's Subdivision to the City of Fort Wayne, and the South 29 feet of Lot 4 of Muhn's Subdivision to the City of Fort Wayne which adjoin each side of said 14 foot right of way to be vacated herein.

5. That attached hereto and made a part hereof are the following exhibits:

- (a) Copy of survey by B. F. Kapp dated August 2, 1977,
showing the right of way in question and building
located thereon, marked Exhibit A;
- (b) Copy of photo showing part of right of way to be va-
cated and building located thereon, marked
Exhibit B;
- (c) Copy of photo showing right of way located North of
portion to be vacated, marked Exhibit C.

6. That said part of said right of way has been occupied by a building
and privately used by the undersigned and their predecessors for more than 40
years last past.

WHEREFORE, your petitioners pray and ask this Commission to
adopt a resolution authorizing the vacation of said part of said street.

Dated this 19th day of June, 1978.

Thomas H. Weedman
(Thomas H. Weedman)

Lois H. Weedman
(Lois H. Weedman)

HOFFMAN, MOPPERT & SOLOMON
(John E. Hoffman)
1212 Anthony Wayne Bank Building
Fort Wayne, Indiana 46802
Phone: 423-3331
Attorneys for Petitioners

OPTION AND WAIVER OF DAMAGES AGREEMENT

WHEREAS, Thomas H. Weedman and Lois H. Weedman are the owners of the South 29 feet of Lot 6 in McCulloch's Subdivision to the City of Fort Wayne and the South 29 feet of Lot 4 of Muhn's Subdivision to the City of Fort Wayne, which adjoin the South 29 feet of a 14 foot right-of-way dedicated in the Plat of Muhn's Subdivision to the City of Fort Wayne, recorded August 27, 1925, in Plat Record 11, page 78, in the office of the Allen County Recorder, which right-of-way is now known as Marion Court,

WHEREAS, said part of said right-of-way has never been used and developed as a public right-of-way and has never been cut through or confirmed as such,

WHEREAS, said part of said right-of-way has been occupied by a building and privately used by the undersigned and their predecessors in title for more than 40 years last past,

WHEREAS, the undersigned have requested the Fort Wayne City Plan Commission for authority to vacate the plat of said part of said right-of-way of record and the City of Fort Wayne Street Engineering Department has objected to said vacation on the ground that said part of said right-of-way might be needed as part of an alternate route for the proposed extension of the Wells Street Corridor in the area, which might require the condemnation of said part of said right-of-way if said right-of-way were now vacated,

WHEREAS, the undersigned have agreed that in the event of the vacation of said part of said right-of-way, they, and/or their successors in title, will agree to convey said vacated part of said right-of-way to the City of Fort Wayne for One (\$1.00) Dollar, in the event said vacated part of said right-of-way is required or used by the City of Fort Wayne for the extension of the Wells Street Corridor within a period of ten (10) years from the date hereof,

NOW, THEREFORE, in consideration of the sum of One (\$1.00) Dollar, the receipt of which is hereby acknowledged, and in further consideration of the granting of authority by the Fort Wayne City Plan Commission to the vacation of

that part of said right-of-way, which is described as follows:

The South 29 feet of a 14 foot right-of-way dedicated in the Plat of Muhn's Suvdivision to the City of Fort Wayne in Plat Record 11, page 78, in the office of the Allen County Recorder, which parcel is bounded on the East by the South 29 feet of Lot 4 of said Muhn's Subdivision, and on the West by the South 29 feet of Lot 6 in McCulloch's Subdivision to the City of Fort Wayne,

the undersigned, for themselves and their successors in title, hereby grant to the City of Fort Wayne the exclusive option to purchase the above described real estate for the sum of One (\$1.00) Dollar for a period of 10 years from the date hereof, in the event the City of Fort Wayne requires the use of said described real estate for the extension of the proposed Wells Street Corridor within said period of time.

In said event, the undersigned, for themselves and for their successors in title, further waive any and all claims for damages if the above described property should be condemned for said purpose within said period of time.

Provided, however, in the event the City of Fort Wayne determines the Wells Street improvement alignment prior to said 10-year period, and determines that the above described real estate will not be needed or affected by said improvement, then this option and waiver of damage agreement shall forthwith terminate.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals this 12th day of October, 1978.

Thomas H. Weedman
(Thomas H. Weedman)

Lois H. Weedman
(Lois H. Weedman)

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Personally appeared before me, a Notary Public in and for said county and state, this 12th day of October, 1978, Thomas H. Weedman and Lois H. Weedman, husband and wife, and acknowledged the execution of the above and foregoing instrument as their voluntary act and deed.

My Commission Expires:

May 19, 1981

Larry M. Miller
(Larry M. Miller) Notary Public
of Allen County.

This instrument prepared by: John E. Hoffman, Attorney.



EXHIBIT B



EXHIBIT C